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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 **SCOTT TAYLOR,**) Case No.
12)
13 Plaintiff,) **COMPLAINT**
14)
15 vs.)
16)
17 **FOCUS RECEIVABLES)**
18 **MANAGEMENT, LLC,**)
19)
20 Defendant.)

21 **I. INTRODUCTION**

22 1. This is an action for damages brought by an individual consumer for
23 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et*
24 *seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive,
25 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy
26 ancillary to Defendant's collection efforts.

27 **II. JURISDICTION**

28 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Scott Taylor, is a natural person residing in Maricopa County.

4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

1 5. Defendant, Focus Receivables Management, LLC, is a corporation engaged in
2 the business of collecting debts by use of the mails and telephone, and Defendant
3 regularly attempts to collect debts alleged to be due another.
4

5 6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §
6 1692a(6) trying to collect a “debt” as defined by 15 U.S.C. §1692(a)(5).
7

8 **IV. FACTUAL ALLEGATIONS**

9 7. At various and multiple times prior to the filing of the instant complaint,
10 including within the one year preceding the filing of this complaint, Defendant
11 contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s
12 conduct violated the FDCPA in multiple ways, including but not limited to:
13

14 a) Causing Plaintiffs telephone to ring repeatedly or continuously with intent
15 to harass, annoy or abuse Plaintiff (§ 1692d(5));
16

17 b) In connection with collection of a debt, using language the natural
18 consequence of which was to abuse Plaintiff, including but not limited to
19 calling Plaintiff debtor in an abusive manner (§ 1692d(2));
20

21 c) Using false representations and deceptive practices in connection with
22 collection of an alleged debt from Plaintiff, including but not limited to
23 stating that Defendant has the right to call Plaintiff whenever [it] wants. (§
24 1692e(10));
25

26 d) Using false representations and deceptive practices in connection with
27 collection of an alleged debt from Plaintiff, including misrepresenting
28 Defendants responsibility to validate Plaintiffs debt upon request, stating

1 that Defendant must merely send something stating that the debt is valid
2 to comply with its responsibility to validate the debt (§ 1692e(10)).
3

4 8. Defendant's aforementioned violations of the FDCPA also constitute an
5 invasion of Plaintiff's right to privacy, causing injury to Plaintiff's feelings, mental
6 anguish and distress.
7

8 9. Defendant's aforementioned violations of the FDCPA also constitute an
9 intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's
10 life, conducted in a manner highly offensive to a reasonable person. With respect to
11 these activities of Defendant, Plaintiff had a subjective expectation of privacy that was
12 objectively reasonable under the circumstances.
13
14

15 **COUNT I: VIOLATION OF FAIR DEBT**
16 **COLLECTION PRACTICES ACT**

17 10. Plaintiff reincorporates by reference all of the preceding paragraphs.
18

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the
21 Defendant for the following:

- 22 A. Declaratory judgment that Defendant's conduct
23 violated the FDCPA;
24 B. Actual damages;
25 C. Statutory damages;
26 D. Costs and reasonable attorney's fees; and,
27 E. For such other and further relief as may be just and proper.
28

1 **COUNT II: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

2 11. Plaintiff reincorporates by reference all of the preceding paragraphs.

3 **PRAYER FOR RELIEF**

4
5 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the
6 Defendant for the following:

- 7 A. Actual damages
8 B. Punitive Damages; and,
9 C. For such other and further relief as may be just and proper.
10

11
12 **PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

13
14 Respectfully submitted this 21st day of August, 2009

15 By: s/ Marshall Meyers
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